

GENERAL PLAN AMENDMENTS & REZONES

February 2014

WHAT IS A GENERAL PLAN?

A General Plan, which is required under state law, is a policy document that is often referred to as a city's blueprint for outlining how and where growth will occur for both the current period and the long term.

There are many components that make up the General Plan, including a Land Use Map. This map is made up of various "Land Use Designations," which identify the general type and intensity of development allowed for a particular property.

WHAT IS A ZONING ORDINANCE?

The Zoning Ordinance is one of the many tools used by a jurisdiction to implement the policies of the General Plan. Where the General Plan is 'general' in scope, the Zoning Ordinance provides specific regulations on how to build or use the property (i.e. animal regulations, setback requirements, height limits, allowed uses, conditionally permitted uses, prohibited uses, etc.).

As with the General Plan, there are many components that make up the Zoning Ordinance, including a Zoning Map. Similar to the Land Use Map, the Zoning Map also identifies the type and density of development allowed on a particular property, and includes more development controls.

AM I REQUIRED TO APPLY FOR A GENERAL PLAN AMENDMENT (GPA) IF I WANT TO REZONE MY PROPERTY?

In most cases, yes – applications for a General Plan Amendment and Rezone must be processed concurrently. State law requires that the Zoning Map must be consistent with the General Plan Land Use Map.

HOW DO I INITIATE A GPA/REZONE?

The City Council has established a policy to consider all privately-initiated amendment requests to change the designation/zone on an annual basis (General Plan Annual Review Cycle), provided that the private party bears the cost of analysis and review. Additionally, the requesting party must be the owner of the property under consideration or be authorized by the owner.

The first step is the applicant must submit a "Letter of Intent." The deadline is June 30th every year. All letters are typically presented before the Council in August for their consideration.

If the Letter of Intent is approved, a formal application with appropriate deposits must be submitted to the City. Approval of the Letter of Intent is NOT a guarantee that the GPA/Rezone will be approved.

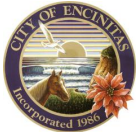
HOW LONG DOES IT TAKE TO PROCESS A GPA/REZONE APPLICATION?

Not all amendment requests are the same; some are simple, while others can be complicated. However, most amendment applications take roughly 2.5 years to complete starting from consideration of the Letter of Intent to Coastal Commission approval (if in Coastal Zone).

If the GPA/Rezone increases the density or intensity of use or the zone changes from agriculture, public/semi-public, ecological resource, open space or parks to a different zone (irrespective of intensity or density), a public vote is required AFTER the permit is approved by the Coastal Commission.

TYPICAL TIMELINE

- Letter of Intent filed (no later than June 30th) / Council hearing to consider request (August)
- Pre-application meeting; requirements are explained and process questions answered (≈ 1-2 months)
- Formal application submittal, review, analysis and completeness determination (≈ 2-4 months)
- Environmental review and document preparation (≈ 4-6 months for Negative Declaration; ≈ 6-9 for EIR)
- Staff report and resolution (≈ 2 months)
- Planning Commission and City Council hearings (≈ 2-3 months)
- Coastal Commission Review if in Coastal Zone (upwards of 15 months)
- Voter approval (times vary depending upon whether a special election is held or general election)



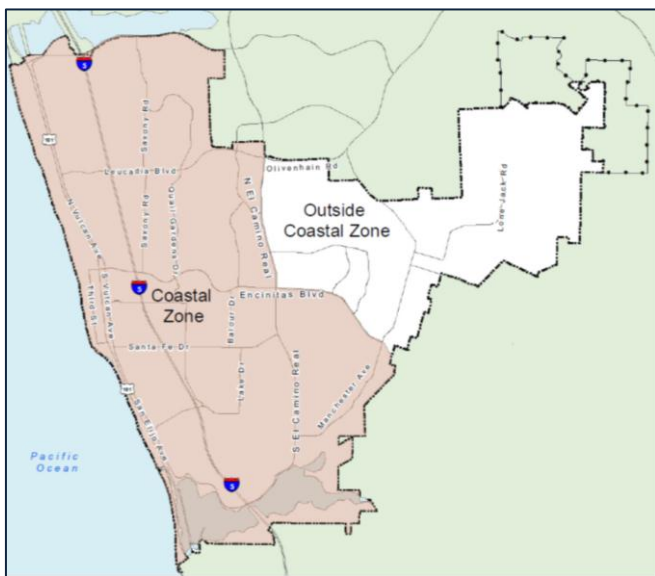
FAQ SHEET

GPAS & REZONES

WHAT IS THE ROLE OF THE CALIFORNIA COASTAL COMMISSION?

The California Coastal Commission is responsible for implementing the Coastal Act of 1976. The agency is tasked with the protection of coastal resources and has permit authority over properties located within the Coastal Zone. Coastal Act policies are the standards by which the Coastal Commission evaluates land use plan and policy changes.

Coastal Zone



HOW DOES BEING IN A COASTAL ZONE IMPACT MY PROPERTY?

California's Coastline Management Program involves a partnership between state and local governments. To ensure that coastal resources are protected, the State is required to review proposed land use plan changes before they can go into effect.

In 1995, the Encinitas Local Coastal Program (LCP) became effective. This program allows the City to issue Coastal Development Permits on behalf of the Coastal Commission, so long as the development complies with the approved LCP and not located in the State's original jurisdiction.

Because the City's Zoning Ordinance and General Plan are components of the LCP, any GPA/Rezone within the Coastal Zone will require an amendment to the LCP, which must be approved by the Coastal Commission.

CAN I PROCESS AN LCP AMENDMENT WITH THE COASTAL COMMISSION CONCURRENTLY WITH MY GPA/REZONE APPLICATION WITH THE CITY?

No. An application to the Coastal Commission must be filed after the local jurisdiction takes action. This means that the City Council must approve the GPA/Rezone before the Coastal Commission will consider the changes to the LCP.

It is important to note that should the Coastal Commission approve the amendment with changes, those changes would need to go back before the City Council for consideration and decision before the application can go before the voters. This will impact the "Typical Timeline" reflected on page 1.

HOW OFTEN CAN YOU AMEND THE LCP AND GENERAL PLAN?

Generally, the City may not amend the General Plan more than four times in one calendar year. At the same time, the Coastal Commission limits the amendments to the LCP to no more than three times in any given calendar year. As such, the City often "batches" the various amendment requests per calendar year, so as to meet these two requirements of state law.

DO I HAVE TO NOTIFY MY NEIGHBORS?

Yes. Pursuant to the Encinitas Citizen Participation Program, all property owners and tenants within 500 feet of the project shall be notified. Interested parties outside of the standard notification can also be added to the mailing list. City staff reserves the right to expand the notification limits as appropriate, based on property boundaries, topography, number of affected properties, etc.

WHERE CAN I LEARN MORE?

For additional information, please contact the Planning & Building Department at 760/633-2710.

